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August 5, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE PRESENTATION

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of Applications for Consent to Transfer of Control of
Licenses and Section 214 Authorizations from Ameritech Corporation,
Transferor, to SBC Communications Inc., Transferee

Dear Ms. Salas:

On July 1, 1999 SBC Communications Inc. ("SBC") and Ameritech Corporation ("Ameritech") filed in the above-captioned proceeding proposed conditions for a Commission order approving the merger between SBC and Ameritech. As part of those conditions SBC submitted that it would "put in place methods and procedures to implement the collocation requirements of the Commission's First Report and Order in CC Docket 98-147, FCC No. 99-48 (released Mar. 31, 1998)."¹ In spite of this commitment, both SBC and Ameritech have to date refused to provide Metromedia Fiber Network Services, Inc. ("MFN") with a collocation variant known as Competitive Alternative Transport Terminal ("CATT") that Bell Atlantic Corporation presently makes available to MFN and others. To ensure that SBC and Ameritech live up to their merger commitments, MFN submits that the Commission should expressly require SBC and Ameritech to provide CATT collocation to MFN and others, as contemplated by the Commission's collocation order.

¹ CC Docket No. 98-141, Letter from Richard Hetke, Ameritech Corporation, and Paul K. Mancini, SBC Communications Inc. to Magalie Roman Salas (July 1, 1999).

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Bell Atlantic's tariffed CATT collocation alternative permits competitors, such as MFN, to pull multiple high-count fibers (up to 432 fibers in a single fiber pull) into a Bell Atlantic central office without having to install costly optical-electrical conversion equipment in the central offices served. This fiber can then be distributed on an as-needed basis to collocated CLECs as a competitive alternative to Bell Atlantic interoffice transport. By eliminating the requirement of multiple fiber pulls and by eliminating the cost of optical-electrical conversion equipment, the CATT greatly facilitates the deployment competitive interoffice transport facilities from all central offices, including those that serve primarily residential and small business customers.

In its collocation order, the Commission held that "deployment by any incumbent LEC of a collocation arrangement gives rise to a rebuttable presumption ... that such an arrangement is technically feasible."² As the Commission explained:

[A] presumption of technical feasibility, we find, will encourage all LECs to explore a wide variety of collocation arrangements and to make such arrangements available in a reasonable and timely fashion. We believe that this "best practices approach" will promote competition.³

The CATT is a technically feasible means by which competitors can enter ILEC central offices to provide competitive services, such as interoffice transport. As such, the Commission's collocation order requires SBC and Ameritech to offer to MFN and others CATT arrangements. However, in spite of the Commission's collocation order and commitments made in the July 1, 1999 merger commitments, SBC and Ameritech have to date refused to provide the CATT to MFN.

On July 19, 1999, MFN filed comments in this docket in response to the Commission's public notice. In those comments, MFN described the CATT arrangement available in the Bell Atlantic territory and submitted that SBC and Ameritech should provide the CATT to MFN and others pursuant to the Commission's collocation order and the proposed merger conditions. In its July 26, 1999 reply comments, SBC and Ameritech entirely ignored MFN's comments, just as they have ignored MFN's request for the CATT in negotiations.

Because of SBC and Ameritech's refusal to (1) provide voluntarily the CATT in accordance with the Commission's collocation order and (2) address MFN's concerns in the SBC-Ameritech reply comments, the Commission should view with skepticism SBC and Ameritech's merger commitment related to collocation. To address SBC and Ameritech's foot

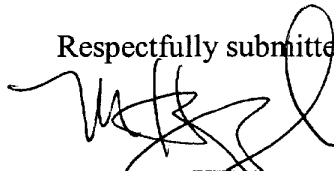
² *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, First Report and Order and Further Notice of Proposed Rulemaking, FCC 99-48, ¶ 45 (rel. March 31, 1999).

³ *Id.*

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dragging, MFN submits that the Commission should adopt the Bell Atlantic CATT as a collocation best practice and expressly require SBC and Ameritech to provide the CATT throughout their regions as part of any Commission merger order. In so doing, the Commission would open the door to competitors, such as MFN, that wish to provide all carriers with immediate and unrestricted interoffice transport connectivity to all central offices throughout the SBC and Ameritech regions.

Respectfully submitted,



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cc: Robert C. Atkinson, Federal Communications Commission
Richard Hetke, Ameritech Corporation
Paul K. Mancini, SBC Communications Inc.